

REMARKS

Claims

Claims 23-29 have been added, with Claim 23 being independent.

Claim 16 has been amended to delete the recitation "image reading device" and to instead recite -- printing device --.

Response to the Election of Species Requirement

This election is in complete response to the Official Action dated June 16, 2004. In the Official Action, an Election of Species Requirement was set forth among two species.

Group I: Claims 1-11 reading on Figs. 1-9B

Group II: Claims 12-22 reading on Figs. 12-19

Applicants hereby provisionally elect, with traverse, the Group II species directed to Claims 12-22 and reading on Figs. 12-19 as defined in the Official Action.

New Claims 23-29 are generic to both Group I and Group II species.

This election of species requirement is respectfully traversed for the following reasons.

First, the number and designation of species is not correct (see attached chart). For example, both Claims 1 and 4 read on Figs. 16-18. Fig. 16-18 show setting the circuit logic for the image processing unit of image readers and a printer based on selected circuit arrangement information. Accordingly, the designating of species in the Official Action is not accurate and correction is respectfully requested. The Examiner is respectfully requested to examine at least Claims 1, 4 and 12-29

Second, the Official Action fails to set forth a proper restriction requirement under MPEP § 803. There are two criteria for setting forth a proper restriction requirement: 1) the inventions must be independent or distinct as claimed, and 2) there must be a serious burden on the examiner. To establish a prima facie showing of a serious burden, the Examiner may show a separate classification, or separate status in the art, or a different field of search. See MPEP § 803. It is respectfully pointed out that the Official Action merely states that Group I and Group II species are patentably distinct and does not set forth any reasons why the groups are patentably distinct and why a serious burden exists. Therefore, the Examiner has not properly shown that a serious burden exists. Should this election of species requirement be maintained, it is respectfully requested that the Official Action explain why groups are distinct and why the burden on the Examiner is serious. The Examiner is reminded that MPEP § 803 states; “[i]f the search and examination of an entire application can be made without serious burden, the Examiner must examiner it on the merits, even though it includes claims to independent or distinct inventions.”

Third, it is respectfully submitted that there is not a serious burden on the Examiner at least because the subject matter of Group I reading on Figs. 1-9B, and the subject matter of Group II reading on Figs. 12-19 is sufficiently related so that a thorough search for the subject matter of any one species would necessarily encompass a search for the subject matter of the remaining species. This is especially so since Figs. 16-18 read on both independent Claims 1 and 12.


For at least the reasons stated above, the election of species requirement should be withdrawn and such is respectfully requested.

Should there be any remaining questions in connection with this application, or should the Examiner feel that a teleconference with the undersigned would be helpful in resolving any issues pertaining to this application, the undersigned is respectfully requested to contact the undersigned at the number indicated below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

Date: July 16, 2004

By: 
William C. Rowland
Registration No. 30,888

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620